

CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

June 9, 2003

Public Improvements Committee
Common Council, Room 205
200 East Wells Street
Milwaukee, WI 53202

Attn: Robert Harvey, Staff Assistant

Re: The Definition of "Owners of Property Along the Street" As Used In §113-4-a-7
of the Milwaukee Code of Ordinances

Dear Committee Members:

By correspondence dated May 27, 2003, you requested an opinion as to whether the phrase "50% of the owners of property along the street" as used in §113-4-a-7 of the Milwaukee Code of Ordinances, included property owners of abutting side streets or whether the aforementioned language was limited to those addresses adjacent to the street to be renamed.

The purpose of all statutory construction is to determine the intent of the legislature. *Town of Barton v. Division of Hearings and Appeals*, 256 Wis.2d 628, 649 N.W.2d 293 (2002). Therefore, any analysis of §113-4-a-7 of the Milwaukee Code of Ordinances begins with the language of the ordinance itself. If the ordinance clearly and unambiguously sets forth the legislative intent, any inquiry ends with the

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application of the plain meaning of the ordinance. *Cemetery Services, Inc. v. Department of Regulation and Licensing*, 221 Wis.2d 817, 825 586 N.W.2d 191, 195 (Ct. App. 1998). It is our opinion that the express and unambiguous language contained in this ordinance, merely requires a petition signed by 50% of the owners holding title of property adjacent to the street that is to be renamed, and does not include side streets.


The second issue raised in your correspondence is whether the Common Council may make an exception to the 50% requirement when a "majority" property owner refuses to sign the petition. In your example, there are three parcels. The non-signing owner owns two of the parcels. In this instance, it appears that more than 50% of the "owners" have not signed the petition, even though there are only two owners. In addition, the ordinance as currently written states that a street renaming petition cannot be considered unless "the number of signatures exceeds 50% of the number of parcels along the street." (Emphasis added). Thus, you will need an ordinance amendment to make the change you desire.

If you have any further questions regarding this matter, please feel free to contact our office.

Very truly yours,



GRANT P. LANGLEY
City Attorney



DAVID J. STANOSZ
Assistant City Attorney

DJS/ms
1055-2003-1731/68454

c: Ronald Leonhardt



Department of Public Works
Infrastructure Services Division

Mariano A. Schifalacqua
Commissioner of Public Works

James P. Purko
Director of Operations

Jeffrey S. Polenske
City Engineer

May 30, 2003

To the Public Building/Streets Naming Citizen Advisory Committee

Dear Honorable Committee Members:

At the recent meeting held on May 15, 2003, the committee considered the following three street name changes:

- File Number 020758 – to change North 35th Street between West Hampton Avenue and West Mother Daniels Way to North Mother Daniels Way.
- File Number 030106 – to change West Hadley Street between North 27th Street and North 29th Street to West Elder Virdell Wallace Way.
- File Number 020894 – to change North Commerce Street between North Weil Street and North Humboldt Avenue to North Riverboat Road.

As a result of this meeting and additional information provided, the following comments are offered:

- North 35th Street to North Mother Daniels Way

The committee asked Ms. Marcia Lindholm of my staff to meet with the Reverend Sedgwick Daniels, at the Holy Redeemer church and educational center. That meeting occurred on May 23rd. Mr. Alton Townsel was also present. Reverend Daniels expressed their desire to keep West Mother Daniels Way between North 35th Street and North 36th Street and rename North 35th Street for the one block along the center to North Mother Daniels Way. Ms. Lindholm referred to DPW's letter of May 13, 2003 that indicated that the request did not comply with three procedures of the ordinance used to consider renaming a street. In particular, they refer to:

- not choosing a name if it duplicates or sounds similar to an existing street name
- the street shall bear the same name throughout its length, when appropriate
- street names shall not exceed 13 characters in length.

The letter concluded by stating that, if the needs and interest of the citizens of the City of Milwaukee are best served through the proposed street name change, DPW would not be opposed. DPW's position remains the same.

At this meeting, Ms. Lindholm indicated that the addresses along this segment of North 35th Street north of West Hampton Avenue are within the 4800's and that building addresses on a newly named North Mother Daniels Way would also be assigned within the 4800's. Reverend Daniels understood that the addresses would be within the 4800's.

The Committee's suggestion to have the street named North Mother Daniels Way from West Hampton Avenue north to the intersection of North 36th Street and West Mother Daniels Way is not supported.

Provided that the Common Council adopts this ordinance, the petitioner is to deposit \$200 to cover DPW's cost to change the street signs.

- **West Hadley Street to West Elder Virdell Wallace Way**

At the committee meeting, the petitioners shortened the street name request to "West Elder Wallace Way". This request is now in accord with the ordinance.

There was also discussion about extending the limits of the street name change to West Fond du Lac Avenue. After the meeting, Ms. Biddle indicated to Ms. Lindholm that the original limits would meet their needs.

Based upon the shorter street name change request between North 27th Street and North 29th Street, DPW can support this street name change. The petitioner is to deposit \$300 to cover the City's cost to change the street signs provided that the Common Council passes this ordinance.

- **North Commerce Street to North Riverboat Road**


Attached please find an area map that shows North Commerce Street between East Pleasant Street and East North Avenue. The shaded area on the map is also known as North Commerce Street. To eliminate the street name duplication, the shaded portion as shown on the map is proposed to be renamed North Riverboat Road. By renaming the southerly segment of North Commerce Street to North Riverboat Road any duplication of addresses in the parcel of land between the two Commerce's can be avoided.

The petitioner is to deposit \$200 to cover the City's cost to replace the street signs, provided that the Common Council passes this ordinance.

Public Building/Street Naming
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As a point of clarification, DPW is not responsible for verifying the signatures on the petition. DPW does not maintain ownership records nor can it render an opinion regarding whether the legal requirements of the ordinance pertaining to the petition have been met. DPW will continue to investigate proposed street name changes and comment on their compliance with the ordinance as it pertains to DPW issues, namely to facilitate vehicular and pedestrian movement throughout the City in a safe and efficient manner.

Very truly yours,



Jeffrey S. Polenske, P.E.
City Engineer

MGL:lja
mgl
Attachment



Department of Public Works
Infrastructure Services Division

Mariano A. Schifalacqua
Commissioner of Public Works

James P. Purko
Director of Operations

Jeffrey S. Polenske
City Engineer

May 13, 2003

To the Public Improvements Committee

Subject: Request to change street name
North Commerce Street west of
North Humboldt Avenue

Dear Honorable Members:

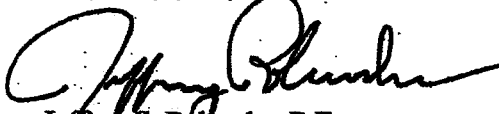
This letter is a reply to a referral and report directive, dated September 27, 2002, from the Public Improvements Committee regarding Common Council File Number 020894. This file proposes an ordinance be adopted changing the name of a segment of North Commerce Street to North Riverboat Road.

Currently, North Commerce Street separates into 2 street segments as it approaches North Humboldt Avenue to the east. The northerly segment rises to meet North Humboldt Avenue while the southerly segment connects into North Riverboat Road beneath the Humboldt Bridge. It is this southerly 220-foot long segment of North Commerce Street that is proposed to be renamed North Riverboat Road.


If this street name is changed, the petitioner is to be contacted to make a deposit of \$100 to cover the cost to place a new street sign at this location.

It is recommended that this segment of North Commerce Street be renamed North Riverboat Road.

Very truly yours,



Jeffrey S. Polenske, P.E.
City Engineer



Mariano A. Schifalacqua
Commissioner of Public Works

MGL:lja

complan/infrastructure portion of N Commerce St

841 N. Broadway, Room 701, Milwaukee, Wisconsin 53202
Phone (414) 286-2400, Fax (414) 286-5994, TDD (414) 286-2025



Department of City Development

Housing Authority
Redevelopment Authority
City Plan Commission
Historic Preservation Commission

Julie A. Penman
Commissioner

Michal A. Dawson
Deputy Commissioner

September 17, 2002

Ronald D. Leonhardt
City Clerk
City Hall Room 205

Dear Mr. Leonhardt:

Attached please find a September 10, 2002 letter from Legacy Real Estate Partners, LLC on behalf of the Legacy Vetter Denk Partnership, LLP requesting that we rename North Commerce Street between North Weil Street and North Humboldt Avenue (at North Riverboat Road) to North Riverboat Road. The Partnership is the prospective purchaser of the RACM property at 2101 North Humboldt Avenue which is currently bounded on the north and south by North Commerce Street.

Since the new development on this site will have access from both the north and south, we believe that it would make sense for the streets to have different names. Thus, we support this request and ask that you take the necessary steps to change the name of the southern segment of North Commerce Street to North Riverboat Road as noted.

If you have any questions, please contact Michael Wisniewski at ext. 5852.

Sincerely,

Julie A. Penman
Commissioner

Attachment

cc: Ald. Marlene Johnson-Odom

File: mjlw/commerce st name change 1



Real Estate Partners, LLC

**P.O. Box 99
Kenosha, Wisconsin 53140
Tel 262.605.5385
Fax 262.605.5389**

September 10, 2002

**Mr. Michael Wisniewski
Department of City Development
P. O. Box 324
Milwaukee, WI 53201**

RE: Renaming of Commerce Street Between N. Weil Street and N. Humboldt Avenue

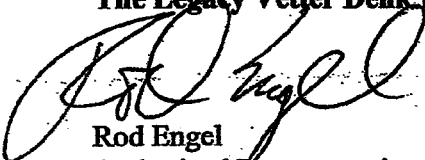
Dear Mr. Wisniewski:

As the potential land owner of 2101 N. Humboldt Avenue, we kindly request that the City of Milwaukee change the name of the section of N. Commerce Street between N. Weil Street and N. Humboldt Avenue to N. Riverboat Road.

If you have any questions please call me at (262) 605-5385.

Sincerely,

The Legacy Vetter Denk Partnership, LLP.


**Rod Engel
Authorized Representative**

Legacy Property Management Services, LLC



Legacy Real Estate Development, LLC

Milwaukee, Wisconsin • Tel 414.247.1625 • Fax 414.247.1626

